

**SBA**

SOP 39 20 1

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# **Senior Executive Service Program**

Office of Human Resources

U.S. Small Business Administration



# **SMALL BUSINESS ADMINISTRATION STANDARD OPERATING PROCEDURE**

National

SUBJECT: SES Program	S.O.P.		REV
	SECTION 39	NO. 20	1A

## INTRODUCTION

1. Purpose. To change appraisal cycle from 120 days to 90 days, incorporate new rating level definitions, and to include regulatory changes regarding presidential rank award criteria and bonuses.

2. Personnel Concerned. SES members.

3. Page Changes.

Remove	Insert
1-2	1-2
15-38	15-38

4. Originator. Office of Human Resources.

AUTHORIZED BY: Carolyn J. Smith Assistant Administrator for Human Resources		EFFECTIVE DATE 06-30-2000
		PAGE 1

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## SMALL BUSINESS ADMINISTRATION STANDARD OPERATING PROCEDURE

National

SUBJECT:	S.O.P.		REV
	SECTION	NO.	
Senior Executive Service Program	39	20	1

### INTRODUCTION

4. Purpose. To outline the guidelines and procedures for SBA's Senior Executive Service (SES) Program.
5. Personnel Concerned. All SBA Senior Executives and persons involved in implementing the SES Program.
6. Directive Canceled. SOP 39 20.
7. Originator. Guidance, Innovation, and Review Division, Office of Human Resources.

AUTHORIZED BY:  Carolyn J. Smith  Assistant Administrator  for Human Resources		EFFECTIVE DATE  7/24/98
		PAGE  1

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Senior Executive Service

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## **Chapter 1**

### **General Provisions**

#### **1. What is the Purpose of this SOP?**

The SOP sets the Small Business Administration's (SBA) policy for the Senior Executive Service (SES) in the areas of employment, performance management, awards, pay, reduction in force, and recertification.

#### **2. Who is Covered by this SOP?**

This SOP applies to all SBA SES members and applicants for SES positions.

#### **3. Who is the Appointing Authority?**

The Administrator serves as the appointing authority for all positions except for those in the Office of Inspector General (OIG). The Inspector General (IG) serves as the appointing authority for positions in the OIG.

#### **4. What are the Responsibilities of the Appointing Authority?**

a. The appointing authority is responsible for:

- (1) Appointing Performance Review Board (PRB) members;
- (2) Selecting senior executives;
- (3) Approving SES performance ratings and awards; and
- (4) Recertification.

b. Specific authority applying to the Administrator and IG are spelled out in the following chapters.



**5. What is the Executive Resources Board (ERB)?**

The Executive Resources Board (ERB) is a group of line managers, both career and noncareer, that conducts the merit staffing process for career entry into the SES (5 U.S.C. 3393(b)) and otherwise advises the Administrator on matters involving its career senior management. The Administrator appoints its members. Most ERB members are themselves SES, but the Administrator can designate non-SES members as well, to ensure a mix of field and Headquarters representatives, and representation of minorities and women. Additional responsibilities are outlined in chapter 2 of this SOP.

**6. What are the Responsibilities of the SES Performance Review Board (PRB)?**

The PRB reviews SES performance appraisals and may make recommendations to the appointing authority on SES performance ratings, bonuses, and Presidential Rank Awards, and makes recommendations to the Administrator on recertification actions. More specific responsibilities are outlined in Chapter 4, "Performance Management Plan," and Chapter 7, "Recertification," of this SOP.

**7. What are the Responsibilities of the Supervisor?**

Supervisors of senior executives:

- a. Establish performance goals and requirements, and communicate expectations to the executive;
- b. Initiate and conduct performance reviews periodically, as necessary, to discuss performance and make adjustments based upon changing conditions;
- c. Evaluate the executive's performance at the end of the rating period and meet with him or her to discuss performance, the evaluation, and developmental needs; and
- d. Recommend the executive for recertification and pay adjustments.

**8. Who is Authorized to Update Appendices to this SOP?**

The Assistant Administrator for Human Resources is authorized to update appendices to this SOP.

## Chapter 2

### Executive Resources Board (ERB)

#### 1. Who Appoints ERB Members?

The Administrator appoints members of the ERB including the Chair. Historically, the Chair has been a noncareer executive. Generally, the membership is a balance of career and noncareer senior executives. There are two ex officio voting members: the Assistant Administrator for Human Resource who serves as Executive Director, and the Assistant Administrator of Equal Employment Opportunity and Civil Rights Compliance who is the Equal Opportunity Advisor.

#### 2. How Long Do Members Serve on the ERB?

Generally, ERB members serve a 2-year term. The appointments and terminations of ERB members will be staggered to ensure continuity of operations.

#### 3. What is the Role of the ERB?

- a. The ERB serves as an advisor to the Administrator on matters involving its career senior management. In this regard, the ERB meets, as necessary, to consider and act upon SES personnel actions and other matters. Four members of the ERB, including the Chair, constitute the quorum necessary to act on all personnel management matters involving executive personnel, with the exception of merit staffing panels (see chapter 3).
- b. The Executive Director advises the ERB on matters of practice and procedure relative to the SES, consults with the Office of Personnel Management (OPM) as necessary, and follows up on actions in accordance with ERB decisions.

#### 4. What is the Role of the Chair of the ERB?

The Chair of the ERB:

- a. Oversees the duties and responsibilities of the ERB;
- b. Serves as principal advisor to the Administrator on the needs of executive resources personnel;
- c. Makes recommendations to the Administrator on members for the PRBs; and
- d. Identifies basic issues and options for ERB consideration in the areas of:
  - (1) Succession planning;

- (2) Executive pay setting; and
- (3) Legislative changes as they impact on career senior management or other issues under the purview of the ERB.

**5. What are the Specific Responsibilities of the ERB?**

The ERB:

- a. Recommends and monitors implementation of policy for SES position planning such as pay guidelines, outreach, staffing, and utilization; and, except for Office of Inspector General employees, it also makes recommendations on executive development, pay administration, and on criteria for nominating executives for Presidential Rank awards;
- b. Conducts the SES merit staffing process for career SES positions;
- c. Serves in an advisory capacity on personnel management matters involving executive personnel;
- d. Evaluates the SES program periodically and makes recommendations for improved effectiveness; and
- e. Plans and manages the SES Candidate Development Program and other succession planning programs. In managing these programs, the Chair of the ERB will establish appropriate procedures to help ensure that the objectives of the program are met. This includes procedures for:
  - (1) Establishing panels;
  - (2) Making recommendations to the Administrator; and
  - (3) Monitoring progress toward goal attainment.

## Chapter 3

### SES Employment

#### 1. Are Merit Principles Used to Fill SES Positions?

Merit principles apply to all career SES positions, but not to noncareer SES appointments.

#### 2. How are Qualification Standards Established for SES Positions?

The personnelist, in conjunction with the supervisor, develops a qualifications standard identifying the mandatory and/or desirable technical qualifications factors. The Chair of the ERB reviews the standard before approval by the Administrator or the IG.

#### 3. What Sources are Used to Recruit for Vacant SES Positions?

Recruitment includes all groups of qualified individuals within the executive, judicial, and legislative branches of the Federal service, and may also include qualified individuals from outside the Federal service. A positive effort will be made to ensure a fair representation for qualified minority and female candidates.

#### 4. Who Determines How to Fill an SES Vacancy?

After determining that an SES vacancy will be announced, the Chair of the ERB specifies the method of recruitment.

#### 5. How are Vacancies Announced?

- a. A "Senior Executive Service Opportunity" announcement, SBA Form 2014 (appendix 2) advertising an SES career opportunity, will be included in the OPM SES vacancy announcement system for at least 14 calendar days, including the date of publication.
- b. The personnelist coordinates the opening of vacancy announcements with OPM to ensure information on SBA SES opportunities is available to the general public.

**6. How Do You Apply for SES Career Vacancies?**

Candidates submit an application and narrative statement to the Office of Human Resources (OHR) or OIG, as appropriate, addressing each qualification factor. Applications must be postmarked by the closing date, however, the narrative statement may be submitted after the closing date provided it is received before the ranking panel meets. Applications may be considered from noncompetitive eligibles up to the point of selection.

**7. What is the Rating Process?**

- a. The supervisor, in conjunction with the ranking panel, prepares SES ranking guidelines describing criteria to sufficiently set apart eligible candidates.
- b. The personnelist initially screens applicants for qualifications and eligibility. Applications which are incomplete or don't provide sufficient information concerning scope or level, or which fail to meet the mandatory qualifications, are not considered. The chair of the ranking panel will review the applications of screened out candidates with the servicing personnelist.

**8. What is the Ranking Process?**

- a. The Chair of the ERB may delegate the rating and ranking of all qualified candidates to a panel of at least three SES members. The majority of the members must be career senior executives.
- b. The panel will evaluate each candidate as highly qualified, well qualified, or qualified. Additionally, the panel chair will review the applications of screened out candidates with the servicing personnelist.

**9. In What Order are Candidates Referred for Interview and Selection?**

The IG determines what procedures will be used in the selection of OIG candidates. For positions outside the OIG, the Executive Director, ERB, provides the Chair of the ERB with an alphabetical list of candidates within each category, i.e., highly qualified, well qualified, qualified, and not qualified. Once the ERB panel completes its final interviews, the Chair of the ERB presents these lists to the Administrator along with recommendations for the top ranked candidates.

**10. Who Conducts the Interviews for SES Positions?**

For positions in the OIG, the IG conducts the interviews. For all other positions, the Chair of the ERB selects an interview panel from members of the ERB, and, when appropriate, other SES members, the Associate Administrator for Field Operations, and regional administrators. Where there are large groups of candidates, the Chair of the ERB selects a panel consisting of three executives, the majority of whom must be career executives, and the supervisor of the position, to conduct initial interviews to determine which candidates should be referred to the ERB for final interviewing.

**11. Does the ERB Interview All Candidates Referred to it by the Office of Human Resources?**

Not necessarily. The ERB may interview any or all of the candidates referred or may even make a recommendation based solely on review of the applications.

**12. Who Makes the Final Selection for SES Positions Under Merit Staffing Procedures?**

The appointing authority makes the selection and certifies that the candidate meets the qualifications standards of the position and that appropriate merit staffing procedures have been followed. The executive resources manager, or the OIG personnel officer for OIG positions, forwards the selection to OPM for approval by the next Qualifications Review Board (QRB).



## **Chapter 4**

### **Performance Management Plan**

#### **1. What is the Purpose of the SES Performance Management Plan?**

The SES Performance Management Plan is a system covering all SBA senior executives and is used as a tool for executing basic management and supervisory responsibilities by:

- a. Communicating and clarifying organizational goals and objectives;
- b. Identifying individual accountability for the accomplishment of Agency goals and objectives;
- c. Evaluating and improving individual and organizational accomplishments; and
- d. Using the results of performance appraisals as a basis for adjusting base pay, training, rewarding, reassigning, retaining, and removing senior executives.

#### **2. How are Organizational Goals and Objectives Set?**

- a. The Administrator or IG, as appropriate, sets the goals and priorities to direct the energies of senior executives by establishing a framework for specifying measurement criteria for SES objectives.
- b. Senior executives must link their individual performance objectives to one or several of the Agency's program goals and supporting objectives contained and summarized in the SBA 5-Year Strategic Plan (for employees on detail, see paragraph 4-18).
- c. A senior executive may delegate specific assignments for accomplishment of part or all of a program implementation objective to one or more subordinates. However, the senior executive remains responsible for the accomplishment of priority goals for his or her functional area.

#### **3. What is the Performance Appraisal Period?**

The appraisal process covers performance during the period October 1, through September 30, annually, and has three principal phases:

- a. Establishing performance requirements;
- b. Monitoring progress and adjusting performance requirements when necessary; and



- c. Determining the final performance rating.

**\*4. What is the Minimum Appraisal Period?**

An executive must have served under an approved written performance plan for at least 90 days before he/she can be rated. However, if a written performance plan was not executed and both the executive and supervisor agree that standards were fully explained and understood, and the 90 day minimum appraisal period is met, the executive can receive a rating.

\*

**5. What is the Process for Establishing Performance Plans?**

- a. Performance plans must be communicated by the rating official to each executive at the beginning of each appraisal period. Written performance plans will normally be provided within 30 days of the beginning of the appraisal period, or when the executive is moved to a position that requires a new performance plan. Performance plans may be carried over from year to year, although it is recommended that a new plan be executed each year.
- b. The executive and the supervisor (rating official) establish performance plans. Final authority for establishing such plans, however, rests with the rating official.
- c. All senior executives have three standard critical objectives. When applicable, an optional special initiative critical objective may be assigned to an SES executive. The standard critical objectives are as follows:
  - (1) Program Implementation. This objective incorporates the requirements of the Strategic/Business Plan. This element will be given significant weight in determining the appropriate rating/bonus.
  - (2) Organizational Representation.
  - (3) Resource Effectiveness.
- d. Each standard critical objective is defined by standardized performance criteria (see Appendix 4, "SBA Form 1304, U. S. Small Business Administration SES Critical Objectives"). A standard for "On Target" performance must be established for each performance criterion based on the requirements of the employee's position, and must be fully discussed between the executive and the rating official, including communication of expectations and resources available.
- e. The executive's supervisor may delete one or more of the performance criteria of an objective if it doesn't apply to a specific SES position.

## Administration Senior Executive Service Performance Evaluation," Appendix 3.

- g. After the executive and the supervisor approve the objectives, the executive's supervisor retains the original and forwards a copy to the personnelist.
- h. Each senior executive should communicate his or her objectives to subordinate organizational levels to enhance understanding of organizational goals and to assist in developing managerial and non-managerial performance requirements of subordinates.

**6. Are There Any Requirements for Progress Reviews?**

- a. A progress review is required and should occur mid-term. The purpose of the progress review is to identify shortcomings so the executive has time to remedy any problems and attain the goals prior to the end of the rating cycle. Additionally, there may be a need to modify objectives and this should occur at this time.
- b. Although the supervisor does not have to document the progress review in writing if performance is expected to be "On Target" or higher, the signature of the executive and supervisor in Part B of SBA Form 1303, will indicate that a discussion has taken place.
- c. If the executive's performance is "Minimally Satisfactory" or "Unsatisfactory," the supervisor must document the performance deficiency. This documentation requirement can be satisfied by a memorandum advising the executive of his or her deficiencies and the corrections required to raise performance to the "On Target" level.

**7. How are Standards Modified?**

Supervisors and executives discuss and approve modifications in the same manner as the original standards, with supervisors retaining the right to approve or disapprove modifications. Modifications will be documented on SBA Form 1304.

## 8. What is the Performance Appraisal Process?

- a. The **executive** prepares a statement of performance accomplishments and forwards it to the rating official.
- b. The **rating official** (normally the supervisor of the executive being rated) makes the initial rating determination of individual objectives and arrives at a summary rating (written record of the appraisal of each critical and non-critical objective, see paragraph 4-9 for definitions) giving significant weight to the "Program Implementation" element which concerns accomplishment of Strategic/Business Plan goals, and completes a justification, as required, that accurately reflects performance during the performance period. The rating official will use the executive's statement of accomplishments as a starting point and take into consideration:
  - (1) The cumulative performance of the executive throughout the period covered by the appraisal, rather than concentrating on one or a few occurrences or periods of performance, including any periods of detail; and
  - (2) Factors outside the executive's control impacting the results achieved. This would include significant work assignments not originally covered by the performance plan.
- c. The performance evaluation process is completed by rating each performance criterion leading to a rating for each critical objective and concluding with a summary rating. Steps in the process are as follows:
  - (1) Using the established standards for "On Target" performance, the rating official shall evaluate the executive's accomplishment and determine the most appropriate rating level (Ahead, On, or Behind Target) for each critical objective on SBA Form 1304.
    - (a) Ahead of Target (AT): performance exceeds the written standard for On Target Performance.
    - (b) On Target (OT): Performance meets the written standard for On Target performance.
    - (c) Behind Target (BT): Performance fails to meet the written standard for On Target performance.
  - (2) Record the rating levels for each objective in Part C of SBA Form 1303.
  - (3) Summary Rating (SBA Form 1303, Part D): After all objectives have been rated, the rating official determines the appropriate summary rating level by referring to the summary rating level definitions (paragraph 4-9) and considering the relative importance of each objective and performance criterion. In this regard, particular weight must be given to the objective "Program Implementation," which concerns performance of the goals noted in the Strategic/Business Plan. The summary

numerical performance rating is entered in Part D of SBA Form 1303.

- (4) Except for a summary rating of fully successful, the rating official must prepare a narrative justification to support the summary performance rating assigned. This justification shall be documented in Part G on the reverse of SBA Form 1303, and provide more specific information supporting the executive's summary performance rating, including such appropriate matters as quantity, quality, and timeliness of performance.
  - (5) The rating official shall discuss the rating with the executive and obtain his or her acknowledgment in Part E on the SBA Form 1303 that a discussion of the rating was held.
  - (6) When the executive requests a rating by a reviewing official, the reviewing official shall enter his or her rating in Part E of SBA Form 1303.
- d. The **reviewing official** (normally the rating official's supervisor) recommends a rating (when requested by the executive) and prepares appropriate justification, if that rating is different from the rating official's rating. Where the reviewing official is the Administrator or the IG, he or she may serve as the reviewing official or designate an appropriate official at a higher executive level than the rating official to serve in that capacity.
  - e. The senior executive shall have the opportunity to respond in writing to a summary rating prior to review by the PRB (see paragraph 4-12).
  - f. The PRB will receive copies of the senior executive's comments on the summary rating as well as copies of the comments of the rating and reviewing official. A written rating of record must be made after considering PRB recommendations.

## 9. What are the Summary Rating Levels?

- \*a. Level 5 - Exceptionally Successful. An executive who receives this rating will have made an outstanding contribution to the accomplishment of the Agency's mission with specific reference to achievement of the Agency's Strategic/Business Plan. (IG executives are rated according to their accomplishment toward achievement of the IG's Strategic Plan.) In order to be rated at this level, the executive must receive an "AT" rating on the majority of critical objectives including the "Program Implementation" and "Resources Effectiveness" objective. No critical element may be rated below "OT." (THIS RATING REQUIRES WRITTEN JUSTIFICATION.)
- b. Level 4 - Highly Successful. An executive who receives this rating will have contributed greatly to the Agency's mission. In order to be rated at this level, the executive must receive an "AT" rating on a majority of critical objectives including the "Program Implementation" objective. No critical objective may be rated below "OT." (THIS RATING REQUIRES WRITTEN JUSTIFICATION.)

- c. Level 3 - Fully Successful. An executive who receives this rating must receive an "OT" rating on the majority of critical objectives. \*
- d. Level 2 - Minimally Satisfactory. An executive who receives this rating has received a "BT" rating on one critical objective and is, in effect, on probation. By law, should an executive receive this rating twice in a consecutive 3-year period, he or she must be removed from the SES. (THIS RATING REQUIRES WRITTEN JUSTIFICATION.)
- e. Level 1 - Unsatisfactory. An executive rated "BT" on one or more critical objectives will receive this summary rating when the level of performance is totally unacceptable for continued employment in the incumbent's position. By law, an executive who receives this rating must be reassigned or transferred within SES, or removed from the SES. Should an executive receive this rating level twice in a 5-year period, he or she must be removed from the SES. (THIS RATING REQUIRES WRITTEN JUSTIFICATION.)

#### 10. Who Serves on the Performance Review Board (PRB)?

- a. The primary and alternate PRBs are appointed by the Administrator after reviewing a list of recommendations from the Chair, ERB. Generally there will not be more than one member from any one office. The primary Board will consist of at least five members, and will review appraisals of all senior executives, with the exception of their own and members of the OIG. The alternate and IG Boards will consist of at least three members each.
  - (1) A majority of the Board members on all three PRBs performing the review of any individual career appointee's appraisal will be career appointees.
  - (2) In addition, the Assistant Administrator of Equal Employment Opportunity and Civil Rights Compliance, and the Assistant Administrator for Human Resources will serve on the primary PRB.
  - (3) Senior executives from outside the Agency may be appointed to the primary and alternate PRBs.
  - (4) A separate PRB will be appointed by the IG to review appraisals of SES members in the IG's office. These members will normally include senior executives from IG offices in other agencies and a career senior executive from the primary PRB.
  - (5) The alternate PRB reviews the appraisals of executives who serve on the primary PRB.
  - (6) The OHR will publish the names of all Agency PRB members in the Federal Register, as required by 5 CFR 430.307.

**11. What are the Specific Responsibilities of the PRB?**

- a. Establishing procedures and operating instructions.
- b. Monitoring accomplishment of SES appraisal activities.
- c. Reporting to the Administrator or the IG on problems with the system and recommending improvements.
- d. Ensuring that all legal and other requirements concerning performance appraisals and performance awards are met.
- e. Reviewing performance plans and appraisals for equity and consistency, as well as general adherence to the Administrator's or IG's guidance.
- f. Recommending to the Administrator or IG's individual performance ratings.
- g. Except for the OIG, ranking senior executives according to performance and recommending bonuses.
- h. Recommending to the Administrator or IG nominations for Distinguished and Meritorious Presidential Rank Awards.

**12. What are the Procedures of the PRB?**

- a. Each member of the PRB will review:
  - (1) All appraisal packages, including any written comments by the executive being rated and any higher level review;
  - (2) The management guidance on annual program goals; and
  - (3) Other relevant documentation.
- b. Recommendations for ratings shall be made by majority vote of the members voting.
- c. The PRB may:
  - (1) Ask the supervisor of the executive being rated or the executive to appear before it to provide additional information pertaining to the executive's performance, and conduct whatever additional review it finds necessary;
  - (2) Rank career appointees with ratings of exceptionally, highly, and fully successful overall performance;

- (3) Review SES development plans and make recommendations to the ERB pertaining to the continuing development of executives;
- (4) Make recommendations pertaining to the increase or decrease of SES pay levels based on the performance review; and
- (5) Make recommendations on performance and rank awards.

d. The PRB must:

- (1) Justify any recommendation that a rating be changed to a lower or higher rating;
- (2) Make a written recommendation to the Administrator or the IG on each senior executive rating of record; and
- (3) Ensure that significant weight has been accorded to executive's performance of the "Program Implementation" objective as it relates to the Strategic/Business Plan.

### **13. How are Final Rating Determinations Made?**

Upon considering PRB recommendations, the Administrator or IG will make final determinations regarding performance ratings and bonuses, ensuring that only executives whose performance exceeds normal expectations are rated above Fully Successful. A copy of the final rating will be given to the executive at the time after it is finalized. A performance rating received by an executive in the SES may not be appealed or grieved.

### **14. What is the Effect of the Final Rating Determination?**

The performance rating categories affect the status of senior executives as follows.

- a. A career appointee receiving a "Fully Successful," "Highly Successful," or "Exceptionally Successful" rating is eligible for a bonus. A rating of less than "Fully Successful" does not qualify the career executive for a bonus.
- b. A senior executive who is retained in the SES will receive assistance in improving performance rated at a level below the "Fully Successful" level. Such assistance may include, but is not limited to, formal training, on-the-job training, counseling, and close supervision.
- c. Any senior executive who receives less than "Fully Successful" twice in any consecutive 3-year period must be removed from the SES.
- d. Any senior executive receiving an "Unsatisfactory" rating must be reassigned, transferred, or removed from the SES.

- e. Any senior executive who receives two "Unsatisfactory" ratings in any consecutive 5-year period must be removed from the SES.
- f. A career appointee who has completed the probationary period, or was not required to serve one in the SES, and is removed from the SES for performance reasons, is entitled to a continuing career position at GS-15 of the General Schedule, or an equivalent position. The basic rate of pay will be set in accordance with 5 U.S.C. 3594. An executive removed from SES for less than "Fully Successful" performance may be eligible for Discontinued Service Retirement or severance pay if he or she declines to accept a placement offer.
- g. When a career executive is removed from the SES for reasons of performance, he or she shall receive 30 days advance written notice. Further guidance on this procedure is in 5 CFR 359.501-503 and 359.701-705.

**15. Does SBA Prescribe a Distribution of Rating Levels?**

No. SBA officials may not prescribe a distribution of rating levels for employees covered by this plan. However, the Administrator or IG may review standards and ratings for difficulty and strictness of application, to ensure that only those employees whose performance exceeds normal expectations are rated at levels above "Fully Successful."

**\*16. When an Executive is Entering the SES for the First Time and Hasn't Served Under a Performance Plan for 90 days as of the End of the Appraisal Period, Does He or She Receive a Rating?**

No. The appraisal period will be extended until such time as the executive has served in the position and under a performance plan for 90 days.

**17. What Happens When an Executive Changes Positions?**

When an executive changes position by reassignment or by transfer to another organization or agency and served under a performance plan in the previous position for at least 90 days, a written summary rating must be prepared by the supervisor. Each rating must be considered by the gaining organization or agency in deriving the executive's next rating of record.

**18. How is an Executive Rated When on Detail or Temporarily Reassigned?**

- (a) When a senior executive is detailed within the SBA for 90 days or more, critical objectives must be established for the assignment. Performance against those standards must be considered in deriving the next rating of record.
- (b) When a senior executive is detailed outside of the SBA, the rating official must make a reasonable effort to obtain appraisal information from the outside organization if the



executive will be detailed for the minimum 90-day appraisal period. The rating shall take into consideration appraisal information obtained from the borrowing organization.

\*

- (c) If a senior executive has not served in SBA for the established minimum appraisal period, but has served for the minimum appraisal period outside the SBA, the SBA rating official must make a reasonable effort to prepare a rating using appraisal information obtained from the borrowing organization.

## **19. What Happens When an Executive Transfers to Another Agency?**

When an executive leaves SBA, all appropriate performance-related documents 5 years old or less, including the current performance plan and an interim rating, shall be forwarded in the Employee Performance File along with the executive's Official Personnel File (OPF) to the executive's new agency.

**20. What is the Retention Period for Performance Records?**

- a. Performance records for SES appointees are to be retained as follows.
  - (1) Five consecutive years beginning with the effective date of appointment;
  - (2) When a senior executive moves to another position in the SES, either with SBA or a different agency, all appropriate performance-related documents 5 years old or less shall be forwarded in the Employee Performance File along with the employee's OPF.
  - (3) When an employee in the SES accepts a Presidential appointment, the employee's performance file shall be retained as long as the employee remains employed under that Presidential appointment. If the individual does not return to the SES when the appointment ends, the employee's Employees Performance File shall be destroyed in accordance with SBA procedures.
  - (4) Where any performance-related document is needed in connection with ongoing administrative, quasi-judicial, or judicial proceeding, it may be retained for as long as necessary beyond the established retention schedule.

**21. How are Performance Awards Granted?**

- a. The Administrator determines Performance Awards/bonuses after consideration of recommendations from the PRB's. This authority has been delegated to the IG for OIG executives.
- b. By statute, the total of an executive's basic salary, bonus cash award for performance, and Presidential Rank Award may not, in any one fiscal year, exceed the annual rate payable for Executive Level I in effect at the end of the same fiscal year. Amounts not payable in a fiscal year due to this restriction shall (by statute) be paid at the beginning of the next fiscal year in a lump sum.

**22. What is a Presidential Rank Award?**

The Presidential Rank Awards were established to recognize sustained high quality accomplishment by members of the SES and authorize the President to approve the awarding of ranks and accompanying stipends to a select number of executives who hold career appointments. Two types of rank awards are:

- \* a. Meritorious Executive - for sustained accomplishment. This award includes a lump sum payment of 20 percent of base pay, excluding locality, from the recipient's employing agency; and
- b. Distinguished Executive - for sustained extraordinary accomplishment. This award includes a lump sum payment of 35 percent of base pay, excluding locality, from the

recipient's employing agency.

### **23. Who is Eligible for a Presidential Rank Award?**

All career appointees in the SES may be eligible for a rank award if the following requirements are met:

- a. The performance for which the nomination for an award is submitted is sustained over a minimum period of 3 years;
- b. Any individual who receives a rank of either Meritorious Executive or Distinguished Executive is not entitled to receive that same award during the following 5 fiscal years.
- c. To provide for progression in the awarding of ranks, a nominee for Distinguished Executive normally shall have received the rank of Meritorious Executive. An exception may be made, however, in a case where an executive's achievements are of such an exceptional nature that only the highest rank permissible would serve as a fitting award.

### **24. What is the Criteria Used to Determine an Executive's Eligibility for a Rank Award?**

- a. A nominee must have demonstrated:
  - (1) Sustained accomplishment for Meritorious Executive; or
  - (2) Sustained extraordinary accomplishment for Distinguished Executive.
- \* b. Factors to be considered include, but are not limited to:
  - (1) Leading Change. Displays the highest level of creativity, initiative, flexibility and innovation to produce results;
  - (2) Results Driven. Has an exceptional record of achieving important program results;
  - (3) Leading People. Successful use of human resources as evidenced through high workforce productivity and/or effective development and recognition of subordinates;
  - (4) Business Acumen. Successful use of financial resources through cost avoidance; applied merit principles to develop, select, and manage a productive and diverse workforce; and/or
  - (5) Building Coalitions/Communications. Unusual levels of cooperative effort with other Federal agencies; Government jurisdictions; and/or private sector.

\*

- c. It is expected that nominees will meet many of the above criteria. In all cases, nominees should reflect credit on the career civil service.

**25. When are Executives Nominated?**

At the conclusion of the yearly SES performance appraisal review, the Administrator or the IG for OIG executives may nominate career SES members for the Meritorious or Distinguished Rank Award.



## **Chapter 5**

### **Pay**

#### **1. How is Pay Set for Career Senior Executives?**

Statute and regulation authorize the Administrator and the IG to determine the pay for initial appointments to career SES. The OPM highly recommends that agencies adopt a policy of bringing new appointees in at the ES-1 or ES-2 level.

#### **2. How is Pay Determined for New Career Appointees to the SES?**

New career appointees generally will enter at an ES-1 level, with at least a 6 percent pay increase (not to exceed the ES-2 level if needed to reflect such an increase). To receive more than the ES-2, a candidate must demonstrate relevant and highly special skills, and must be assuming a position which the Agency considers to be critical to the success of its mission or for which there is a scarcity of skills.

#### **3. How Often Can an Executive Expect a Level Increase?**

Normally level increases will occur at the rate of one level upward after 2 years at the prior level, with executives progressing steadily to the ES-4 level if they demonstrate highly successful or better performance.

#### **4. How is an Executive Recommended for a Level Increase?**

Supervisors are responsible for recommending career executives for level increases as they become eligible up through ES-4. Increases above the level ES-4 also require recommendations from the supervisor and must be based on such factors as demands of the position over several rating cycles, exceptional skills, and sustained and significant or highly special achievement. All recommendations are submitted through the Chair, ERB or through the PRB to help ensure consistency except for recommendations for executives in the OIG.



## **Chapter 6**

### **SES Reduction in Force (RIF)**

#### **1. What is a Reduction in Force (RIF) in the Senior Executive Service?**

“The elimination or modification of a position due to a reorganization, due to lack of funds or curtailment of work, or due to any other factor.” The regulations are located at 5 CFR 359.601.

#### **2. What are the Responsibilities of SBA Officials?**

a. The Administrator and the IG, as appropriate, are responsible for:

- (1) Determining the need to direct a RIF;
- (2) Identifying which SES positions will be abolished; and
- (3) Determining placement offers for career executives displaced by RIF.

b. The Assistant Administrator for Human Resources or the Assistant Inspector General for Management and Policy for OIG executives, are responsible for:

- (1) Implementing procedures to conduct a RIF in the SES consistent with appropriate laws and OPM regulations;
- (2) Maintaining liaison with OPM on RIF policy and placement offers for affected executives;
- (3) Reviewing plans to conduct a RIF in SES;
- (4) Providing staff advice and recommendations; and
- (5) Providing technical support for program implementation.

#### **3. What is the SES RIF Competitive Area?**

Career and probationary appointees compete for job retention nationwide excluding executives in the OIG. IG executives compete only within the OIG.



#### **4. What are the Procedures for Conducting a RIF?**

- a. The Associate Deputy Administrator for Management and Administration notifies the ERB of a potential RIF including the specific reasons for the RIF.
- b. The ERB reviews the proposals and makes recommendations to the Administrator on:
  - (1) Numbers of positions affected, number and names of executives affected, and specific internal reassignment actions, if any, proposed for each affected executive; and
  - (2) Names of executives proposed for placement utilizing RIF procedures.
- c. The Administrator renders a final decision on the need for a RIF in the Agency, including specific directed reassignments or placement offers prior to implementation of a RIF.
- d. Affected executives are notified, in writing, of the proposed action at least 15 days before the effective date.

#### **5. What are the Retention Standards and How are They Determined?**

- a. Before any RIF action the SBA will:
  - (1) Place executives on a retention list;
  - (2) Provide retention lists to affected executives;
  - (3) Place executives on the retention list based on their:
    - (a) Type of appointment (career/probational);
    - (b) Current performance rating;
    - (c) Receipt of Distinguished or Meritorious Executive Rank Awards; and
    - (d) Length of service in SES.
- b. Executives on the retention register with identical retention standings at the time of RIF will be released in ascending order under each subgroup based on total length of Federal service.

\*c. The retention groups are described as follows.

\*

- (1) Group 1 - Career executives not serving on probation with "Fully Successful" or better performance ratings.

- (a) Subgroup 1A - Executives with current “Exceptionally Successful” performance ratings, in descending order of length of service in the SES.
  - (b) Subgroup 1B - Executives with current “Highly Successful” performance ratings, in descending order of length of service in the SES.
  - (c) Subgroup 1C - Executives with current “Fully Successful” performance ratings, in descending order of length of service in the SES.
- (2) Group 2 - Career executives serving on probation with “Fully Successful” or better performance ratings.
  - (a) Subgroup 2A - Probationary executives with current “Exceptionally Successful” performance ratings, in descending order of length of service in the SES.
  - (b) Subgroup 2B - Probationary executives with current “Highly Successful” performance ratings, in descending order of length of service in the SES.
  - (c) Subgroup 2C - Probationary executives with current “Fully Successful” performance ratings, in descending order of length of service in the SES.
- (3) Group 3 - Career Executives with current “Minimally Satisfactory” performance ratings.
  - (a) Subgroup 3A - Career executives listed in descending order of length of service in the SES.
  - (b) Subgroup 3B - Probationary executives listed in descending order of length of service in the SES.
- (4) Group 4 - Career executives with current “Unsatisfactory” performance ratings.
- d. Executives in receipt of a Distinguished and/or Meritorious Executive Rank Award are credited with additional years of service toward the SES service date as follows:
  - (1) Distinguished Executive Rank - 5 years; or
  - (2) Meritorious Executive Rank - 2 years.
- e. The additional years of service based on rank are:
  - (1) Applicable only in a RIF situation; and
  - (2) Creditable for a period of 3 years from the month of receipt of a Distinguished or

## Meritorious Executive Rank.

### **6. What Happens if an Executive is Displaced?**

- a. A career executive whose position is abolished has displacement rights to the SES position occupied by the career executive with the lowest retention standing if he or she qualifies for the position.
- b. If there are no executives who can be displaced, the executive identified for release is entitled to placement and reinstatement assistance as provided below.
  - (1) Placement rights within SES apply to non-probationary career executives.
  - (2) Non-career, limited term, and limited emergency executives and reemployed annuitants who occupy positions identified for abolishment have no entitlement to placement in any other SBA position.
  - (3) A career executive is entitled to be assigned to a vacant SES position in SBA for which he or she is qualified.
  - (4) If a vacant SES position does not exist, the appointing authority must so certify to OPM.

### **7. What Rights are the Executive Entitled to Through OPM?**

- a. When OPM accepts the certification that a vacant position is not available in the Agency, the career executive is entitled to:
  - \* (1) Priority placement consideration by OPM for a period of 45 days to any vacant SES position in another agency for which the executive is qualified; and \*
  - (2) Detail by OPM to an SES position in any agency for a period not to exceed 60 days and be placed in such a position by OPM after the period of such detail.
- b. The executive remains on the SBA rolls during the placement period.

### **8. What are the Consequences if the Executive is Reached for Reduction In Force?**

- a. A career executive serving a probationary period at the time of a RIF:

- (1) May be removed from the SES following the application of RIF procedures;

- (2) May be offered a reassignment to another SES position in the SBA for which he or she qualifies; and/or
- (3) Has placement rights in accordance with paragraph 6-10.
- b. A career executive not serving a probationary period at the time of a RIF may be removed from the SES and the Federal service if he or she declines:
  - (1) A directed reassignment to a position for which he or she qualifies in SBA; and/or
  - (2) A reasonable offer of placement in an SES position in another agency under OPM placement efforts.
- \* c. A career executive may be removed from the SES if not placed by OPM in an SES position in another agency within 45 days after receipt of a written certification that SBA could not place the executive. (In the case of an executive who held a career SES appointment as of May 31, 1981, removal cannot take place until 30 days after OPM notifies the Congress that placement was not possible.) \*
- d. An executive removed as a result of implementation of RIF procedures is entitled to severance pay or Discontinued Service Retirement, if eligible.
- e. At the time a career executive is officially proposed for release from SES, SBA must:
  - (1) Provide OPM with a copy of the RIF notice;
  - (2) Inform OPM what it intends to do with the space occupied by the executive proposed for release from the SES; and
  - (3) Advise OPM if the executive requests placement assistance for an SES position in another agency.

**9. Does the Executive Have Reinstatement Rights to the SES?**

- a. An executive serving a probationary period at the time of removal by RIF must compete to return to SES.
- b. A career executive who completes the SES probationary period at the time of removal by RIF:
  - (1) Receives priority placement consideration for 1 year, without competition, to any vacant SES position in the employing agency for which qualified.
  - (2) Must apply to be considered for the position after OPM receives certification from

an agency that the executive could not be placed.

- (3) Has reinstatement eligibility to SES, following the 1-year priority placement period.

#### **10. Are There Placement Rights for Executives Removed Through RIF?**

- a. Executives removed from the SES for RIF reasons, and, at the time of appointment to the SES, held a career or career-conditional appointment (or an appointment of equivalent tenure), are entitled to be placed in a vacant civil service position (other than a SES position) that is:
  - (1) A continuing position at GS-15 or above, or equivalent that will last at least 3 months;
  - (2) Of tenure equivalent to that of the appointment held at the time of appointment to the SES; and/or
  - (3) A position for which the appointee meets the qualifications requirements.
- b. Placement of an executive under this paragraph doesn't cause the separation or reduction in grade of any other employee.
- c. An executive placed under this paragraph is entitled to receive basic pay at the highest of:
  - (1) The rate of basic pay in effect for the position in which he or she is being placed;
  - (2) The rate of basic pay currently in effect for the position which the executive held in the civil service immediately before being appointed to the SES; or
  - (3) The rate of basic pay in effect for the executive immediately before his or her removal from the SES.
- d. See 5 CFR 359.705(b) for exceptions.

#### **11. Is the Executive Eligible for Assistance Under the SBA Career Transition Assistance Plan?**

The executive may be eligible for outplacement assistance (see SOP 33 00, "Employment," for further information).

#### **12. Does the Executive Have Appeal Rights to MSPB?**

- a. An executive may appeal a RIF action on the basis that it did not comply with procedures.

- b. An executive who has completed a probationary period and is removed because he or she declined a reasonable OPM offer of a position in another agency may appeal the removal action based on the reasonableness of the offer.
- c. An executive who has completed a probationary period and was removed because he or she could not be placed by OPM may appeal to determine if OPM exercised all reasonable steps to achieve placement.
- d. An executive who applies for reinstatement under the provisions of paragraph 6-9 above, may appeal any determination by SBA that he or she is not qualified for a position following a reinstatement request.



## **Chapter 7**

### **Recertification**

#### **1. What is the Purpose of the SES Recertification Program?**

SES recertification ensures that the performance of career executives demonstrates the excellence needed to meet the goals of the SES. Regulations are at 5 CFR 317.504.

#### **2. What is the Relationship of Recertification to the Annual Performance Appraisal Process?**

The SES recertification process and the Agency annual performance appraisal process are complementary but separate. While the annual appraisal looks at how well the executive has met the specific standards for his or her position for the year, the recertification process looks at the executive's performance over a period of 3 years.

#### **3. Who is Subject to Recertification?**

- a. SES career executives who have been continuously employed in the SES for 156 weeks preceding the end of the recertification period are subject to recertification. This period includes any service as an SES noncareer or limited appointee. It also includes service in any agency.
- b. One or more breaks in SES service of a total of 6 months or less does not interrupt the 156 weeks of continuous employment. A break is defined as a time period during which the SES career employee was not being officially counted against the agency's SES position allocation.
- c. SES career executives who are on extended assignment or absence from their positions at the time of recertification are subject to recertification, generally, as long as they are officially occupying an SES position at the end of the recertification period as a career appointee and meet the 156-week length of service requirement.
- d. This recertification plan does not apply to SES noncareer or limited appointees. Nor does it apply to former SES career executives who took Presidential appointments at Executive Level V or higher with Senate confirmation and elected to retain SES benefits.

#### **4. When Does Recertification Take Place?**

- a. The initial recertification period ended September 30, 1991, coincident with the end of the Effective Date: July 24, 1998



annual performance appraisal period. Subsequent recertification takes place every third calendar year thereafter. September 30 shall serve as the date for calculating the 156-week employment period.

- b. If an executive is recertified in another agency and then transfers to this Agency during the calendar year, the executive is not subject to recertification in this Agency.
- c. If an executive transfers from another agency during the calendar year and no recertification decision was made in that agency, a recertification decision must be made in this Agency. All necessary relevant information on the executive's performance during the recertification period, in addition to performance ratings completed, will be requested of the executive's previous agency.

## **5. What is the Standard for Recertification?**

- a. The career executive must perform at the level of excellence expected of a senior executive. Excellence means that the executive has demonstrated over the recertification period that he or she has achieved excellence in:
  - (1) Planning for, substantially advancing, and attaining Presidential, Agency, or organizational goals and objectives that required a sustained superior effort;
  - (2) Taking specific initiatives that advanced a major policy and/or significantly improved delivery of services;
  - (3) Taking the necessary actions to ensure the achievement of a quality product in a timely manner; and
  - (4) Making significant technical, scientific, or professional contributions.
- b. Also, if applicable to the responsibilities of the senior executive, excellence is demonstrated by:
  - (1) Achieving substantial savings in the execution of programs under his or her direction;
  - (2) Maintaining the high quality and effectiveness of programs under his or her direction with reduced resources; and/or
  - (3) Providing strong leadership to enhance the development, utilization and achievements of subordinate personnel, including achievement of equal employment opportunity goals.

## **6. What are the Procedures for Recertification?**

Effective Date: July 24, 1998

a. Recommendation by the supervising official.

- (1) The executive's supervisor shall submit to the PRB, a recommendation on SBA Form 1802, "Senior Executive Service Recertification CY\_\_\_\_," Appendix 5, whether the career executive's performance justifies recertification as a senior executive. The recommendation must include a written justification. The recommendation shall be based on the executive's overall performance during the recertification period in relation to the standard for recertification in paragraph 7-5, including consideration of such factors as the following.
  - (a) The executive's SES performance ratings for the 3 preceding years. SES career executives do not necessarily have to have received annual performance ratings above "Fully Successful" to be recertified, nor do "Fully Successful" ratings guarantee recertification.
  - (b) Any award or other recognition received by the appointee. Awards recognizing performance over a period of years that are received during the recertification period even though some of the achievements recognized may have occurred before the recertification period are included. Also included are awards received after the recertification period, but before the recertification determination, if the award recognizes performance that took place during the recertification period.
  - (c) Any developmental activities of the executive. These include professional, educational, or self-developmental activities. Supervising officials should consider funding availability and the stage of the executive's career, that is, long term executive as opposed to newly appointed executive, when evaluating the extent to which an executive participates in developmental activities.
- (2) The factors identified above should be used as a measure of whether the standard for recertification has been met in relation to the written performance requirements for the career executive's senior executive position. Supervising officials may not make a recommendation solely on the basis of performance ratings.
- (3) There is no specific length of time that an official must serve as an executive's supervisor before making a recertification determination.
- (4) Supervising officials should contact the servicing personnel specialist for technical advice and assistance prior to preparing a justification for conditional recertification or no recertification.
- (5) Executives will be requested to submit a written statement of accomplishments in relation to the standards for recertification. This statement will be not more than three pages in length and will be submitted to the supervising official for his/her

consideration.

- (6) The executive shall be given a copy of the recommendation provided on SBA Form 1802. The executive shall be requested to acknowledge receipt of the form, and advised of the right to submit to the PRB, a statement of accomplishments and other documentation giving evidence of the quality of the appointee's performance in relation to the standards set forth in paragraph 4-6. The statement of accomplishments provided to the PRB may be the same, as that provided in paragraph 7-5(4) above, or amended at the executive's discretion.
- (7) If the supervising official is below the level of the Deputy Administrator or the IG, the executive may request a higher level review of the supervising official's recommendation prior to its submission to the PRB. This review will be performed by the supervisor of the supervising official and will result in a written recommendation. A narrative justification for the recommendation will not be required unless the recommendation differs from that of the supervising official. The executive shall be given a copy of the written recommendation with its narrative justification, if any.
- (8) The recertification form with narrative justification plus other relevant documentation, (i.e. the executive's statement of accomplishments) shall be forwarded to the servicing personnel specialist for presentation to the PRB. The schedule for submission of recommendations will be issued in those years when the recertification process is to be conducted.

b. Recommendation by the PRB.

- (1) More than one-half of the members of the Board shall consist of SES career executives. Board members may not take part in any deliberations or actions regarding recommendations on their own recertification. An alternate PRB will consider recommendations on recertification of the members of the primary PRB. The Administrator may elect to appoint SES career members to the PRB who are external to SBA. A separate PRB shall be appointed by the IG to review recertification recommendations for OIG employees. The IG may also elect to appoint SES career members to the PRB who are external to SBA. The majority vote shall control the decision and thus the recommendation of the PRB to the Administrator or IG, as appropriate.
- (2) After receiving the recommendation of the supervising official and any information provided by the career appointee, the Board shall submit to the Administrator or the IG, as appropriate, a recommendation, on the SBA Form 1802, whether the appointee should be recertified, conditionally recertified, or not recertified. IG PRB recommendations to conditionally recertify or not recertify shall be submitted through the IG to the Administrator for a final decision.
- (3) If the PRB needs more information to make its recommendation, it may request the

following.

- (a) Additional documentation from the supervising official or request that he/she appear before the Board. The Board may also ask other pertinent individuals to appear.
  - (b) If the supervising official has recommended that the executive be conditionally recertified or not recertified, then the executive shall be provided an opportunity to appear before the PRB to provide oral justification of his/her qualifications.
- (4) If the Board proposes to recommend conditional recertification or no recertification, the executive shall:
  - (a) Be notified in writing, specifying the Board's rationale, in sufficient detail, for its proposed recommendation. If the PRB chooses to use the same rationale as provided by the supervising official or higher level reviewer, it need only indicate its concurrence on the supervising official's or higher level reviewer's justification;
  - (b) Have the opportunity to appear before the Board prior to the forwarding of the recommendation to the Administrator or the IG, as appropriate. The appointee shall be given 5 calendar days advance notice of the proposed scheduled appearance. If the executive requests, he/she may be given a reasonable amount of official time to prepare for his or her appearance.
- (5) If the Board recommends recertification, it may also recommend that the appointee's rate of basic pay be increased to a higher ES pay rate. If the Board recommends conditional recertification, it may also recommend that the appointee's rate of basic pay be reduced to the next lower ES pay rate. These recommendations may be documented on the recertification determination form.
- (6) In addition to its recommendation, the Board shall provide the Administrator or IG, as appropriate, with the recommendation from the supervising official and any information received from the appointee under paragraphs 7-6a(4) or 7-6b(4) of this paragraph. It will also provide the recommendation of the higher level reviewer, if any.
- (7) A copy of the recertification determination form reflecting the Board's final recommendation shall be forwarded to the executive.

c. Determination by the Administrator or the IG.

- (1) The Administrator or the IG shall determine whether the executive shall be recertified.

- (2) The Administrator shall determine whether the executive shall be conditionally recertified, or not recertified.
- (3) If the Administrator or IG, as appropriate, determines that the executive's performance warrants recertification, he/she will record the decision on the recertification determination form along with the appropriate annotation if a positive pay rate change is decided upon.
- (4) Written reasons must be provided for any recommendation or decision to conditionally recertify or to not recertify a career executive. The reasons must be specific enough so that the executive will be able to understand why the action was taken and adequate to support a case if the executive appeals a removal action. The Administrator may concur without providing additional reasons if he or she agrees with those reasons and deems the reasons provided by the recommending official(s) sufficient.
- (5) If a decision to conditionally recertify or not recertify is being considered and the executive has not had an opportunity for a personal appearance because all previous deliberations have considered only a recommendation to recertify, the Administrator may provide the executive an opportunity to make a presentation in writing and/or in person before taking further action.
- (6) Determinations will not be based on a prescribed distribution of how many or what percentage of executives will be recertified, conditionally recertified, or not recertified.

## **7. What are the Consequences of Recertification Determinations?**

### **a. Decision to Recertify.**

- (1) If the Administrator or IG, as appropriate, determines that the executive's performance warrants recertification, the executive shall continue in the SES.
- (2) The executive's rate of basic pay may not be reduced at the time of recertification.
- (3) If the decision is made to increase the executive's rate of basic pay, the statutory restriction that an SES member's pay level may be changed only once in a 12-month period remains applicable.

### **b. Decision to Conditionally Recertify.**

- (1) If the Administrator determines that the executive's performance warrants conditional recertification, the executive:

- (a) Shall be notified in writing enclosing the completed recertification determination form and necessary supporting documentation.
  - (b) Shall remain a career appointee in the SES.
  - (c) Shall be subject to continuing close review of the executive's performance by the supervising official in coordination with the ERB.
  - (d) Shall be subject to a performance improvement plan developed by the supervising official, subject to the approval of the ERB, and provided to the executive within 30 calendar days of his/her notification of conditional recertification. The performance improvement plan should include a description of the deficiencies in the executive's performance, what constitutes satisfactory completion of the plan, a statement of the support and assistance to be provided by the supervising official, and any training initiatives planned. It shall conform with performance standards the executive is required to attain during the period. Periodic progress review discussions shall be held and documented at 90 day intervals.
  - (e) May, if the Administrator so determines, be reduced to the next lower ES pay rate, once 12 months have elapsed since the appointee's last pay adjustment.
  - (f) May not appeal to the Merit Systems Protection Board, as the law does not provide such a right.
- (2) At the end of the 12 months following conditional recertification, SBA shall make a new recertification determination. The process for making the new determination shall be the same as for the initial recertification decision, including review and recommendation by a Performance Review Board.
- (a) The individual shall be retained in the SES if recertified and shall have any reduction in ES pay level made under this paragraph restored as of the beginning of the first pay period following recertification when 12 months have elapsed since the pay reduction.
  - (b) The individual shall be removed from the SES if not recertified at the end of the 12-month period following the conditional recertification.

c. Decision Not to Recertify.

- (1) If the Administrator determines that the executive's performance does not warrant recertification or conditional recertification, the executive shall be removed from the SES in accordance with applicable law and regulation (5 CFR 359).

- (2) The executive shall be notified in writing before the effective date of the action. If

the executive has completed the SES probationary period, or was not required to serve a probationary period, the notice shall be at least 30 calendar days before the effective date of the removal from the SES.

- (3) The notice shall include the completed recertification determination form and advise the executive of the following.
  - (a) The basis for the action.
  - (b) The executive's placement rights provided under 5 CFR 359.701-705. The position to which the appointee will be assigned shall be identified either in the advance notice or in a supplementary notice issued no later than 10 calendar days before the effective date of the action.
  - (c) The executive's right to appeal to the Merit Systems Protection Board, including the time limit for appeal, the office to which an appeal should be sent, and that there is no provision for a stay in the removal action pending the appeal process.
  - (d) The effective date of the removal from the SES.
  - (e) When applicable, the executive's eligibility for immediate discontinued service retirement, in lieu of placement rights, with no annuity reduction based on age (Civil Service Retirement System) and eligibility for an annuity supplement regardless of age (Federal Employee Retirement System).
- (4) Removal from the SES as a result of not being recertified may not be made effective within 120 days after:
  - (a) The appointment of an Administrator; or
  - (b) The appointment in SBA of the career executive's most immediate supervisor who is a noncareer executive and has the authority to remove the career executive.





**Appendix 1****Index to Forms and Reports**

<u>Form</u>	<u>Paragraph</u>
SBA Form 2014, "Senior Executive Service Opportunity"	3-5
SBA Form 1303, "Senior Executive Service Performance Evaluation"	4-5, 4-6, 4-8
SBA Form 1304, "SES Critical Objectives"	4-5, 4-7, 4-8
SBA Form 1802, "Senior Executive Service Recertification CY_____"	7-6

<u>Report</u>	<u>Paragraph</u>
None	



Appendix 2  
(paragraph 3-5)



## Senior Executive Service Opportunity

**Position:**

**Closes:**

**Location:**

**Salary:**

**Vacancy Announcement Number:**

**Opening Date:**

**Area of Consideration:**

**Duties/Responsibilities:**

Please submit a written narrative describing the degree to which you possess desirable technical qualifications and executive core qualifications factors listed below. Be specific and limit responses to no more one page for each factor.

**DESIRABLE TECHNICAL QUALIFICATIONS:**

**EXECUTIVE CORE QUALIFICATIONS—To be eligible for consideration, candidates must meet all of the following five factors:**

1. **Leading Change** - The ability to develop and implement an organizational vision which integrates key national and program goals, priorities, values, and other factors. Inherent to this is the ability to balance change and continuity—to continually strive to improve customer service and program performance within the basic Government framework, to create a work environment that encourages creative thinking, and to maintain focus, intensity and persistence, even under adversity. Key characteristics include:
  - Exercising leadership and motivating managers to incorporate vision, strategic planning, and elements of quality management into the full range of the organization's activities; encouraging creative thinking and innovation; influencing others toward a spirit of service; designing and implementing new or cutting edge programs/processes.
  - Identifying and integrating key issues affecting the organization, including political, economic, social, technological and administrative factors.
  - Understanding the roles and relationships of the components of the national policy-making and implementation process, including the President, political appointees, Congress, the judiciary, state and local governments, and interest groups; and formulating effective strategies to balance those interests consistent with the business of the organization.

**"AN EQUAL OPPORTUNITY EMPLOYER"**

U.S. SMALL BUSINESS ADMINISTRATION  
409 3rd Street, S.W.  
WASHINGTON, D.C. 20416

NOTE: SEE APPLICATION REQUIREMENTS ON REVERSE.

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- Being open to change and new information; tolerating ambiguity; adapting behavior and work methods in response to new information, changing conditions, or unexpected obstacles; adjusting rapidly to new situations warranting attention and resolution.
  - Displaying a high level of initiative, effort, and commitment to public service; being proactive and achievement-oriented; being self-motivated; pursuing self-development; seeking feedback from others and opportunities to master new knowledge.
  - Dealing effectively with pressure; maintaining focus and intensity and remaining persistent even under adversity; recovering quickly from setbacks.
2. **Leading People** - The ability to design human resource strategies which maximize employee potential and foster high ethical standards in meeting the organization's vision, mission and goals. Key characteristics include:
- Providing leadership in setting the workforce's expected performance levels commensurate with the organization's strategic objectives; inspiring, motivating, and guiding others toward goal accomplishment; empowering people by sharing power and authority.
  - Promoting quality through effective use of the organization's performance management system (e.g., establishing performance standards, appraising staff accomplishments using the developed standards, and taking action to reward, counsel, or remove employees, as appropriate).
  - Valuing cultural diversity and other differences, fostering an environment where people who are culturally diverse can work together cooperatively and effectively in achieving organizational goals.
  - Assessing employees' unique developmental needs and providing developmental opportunities which maximize employees' capabilities and contribute to the achievement of organizational goals; developing leadership in others through coaching and mentoring.
  - Fostering commitment, team spirit, pride, trust, and group identity; taking steps to prevent situations that could result in unpleasant confrontations.
  - Resolving conflicts in a positive and constructive manner; this includes promoting labor/management partnerships and dealing effectively with employee relations matters, attending to morale and organizational climate issues, handling administrative, labor management, and EEO issues, and taking disciplinary actions when other means have not been successful.
3. **Results Driven** - The ability to make timely and effective decisions and produce results through strategic planning and the implementation and evaluation of programs and policies. Key characteristics include:
- Understanding and appropriately applying procedures, requirements, regulations, and policies related to specialized expertise; understanding linkages between administrative competencies and mission needs; keeping current on issues, practices, and procedures in technical areas.
  - Stressing results by formulating strategic program plans which assess policy/program feasibility and include realistic short- and long-term goals and objectives.
  - Exercising good judgment in structuring and organizing work and setting priorities; balancing the interests of clients and readily readjusting priorities to respond to customer demands.
  - Anticipating and identifying, diagnosing, and consulting on potential or actual problem areas relating to program implementation and goal achievement; selecting from alternative courses of corrective action, and taking action from developed contingency plans.
  - Setting program standards; holding self and others accountable for achieving these standards; acting decisively to modify them to promote customer service and/or the quality of programs and policies.
  - Identifying opportunities to develop and market new products and services within or outside of the organization; taking risks to pursue a recognized benefit or advantage.
4. **Business Acumen** - The ability to acquire and administer human, financial, material, and information resources in a manner which instills public trust and accomplishes the organization's mission, and to use new technology to enhance decision making. Key characteristic include:
- Assessing current and future staffing needs based on organizational goals and budget realities. Applying merit principles to develop, select, and manage a diverse workforce.
  - Overseeing the allocation of financial resources; identifying cost-effective approaches; establishing and assuring the use of internal controls for financial systems.
  - Managing the budgetary process, including preparing and justifying a budget and operating the budget under organizational and Congressional procedures; understanding the marketing expertise necessary to ensure appropriate funding levels.
  - Overseeing procurement and contracting procedures and processes.
  - Integrating and coordinating logistical operations.
  - Ensuring the efficient and cost-effective development and utilization of management information systems and other technological resources that meet the organization's needs; understanding the impact of technological changes on the organization.
5. **Building Coalitions/Communication** - The ability to explain, advocate, and express facts and ideas in a convincing manner,

and negotiate with individuals and groups internally and externally. It also involves the ability to develop an expansive professional network with other organizations, and to identify the internal and external politics that impact the work of the organization. Key characteristics include:

- Representing and speaking for the organizational unit and its work (e.g., presenting, explaining, selling, defining, and negotiating) to those within and outside the agency (e.g., agency heads and other Government executives; corporate executives; Office of Management and Budget officials; Congressional members and staff; the media; clientele and professional groups); making clear and convincing oral presentations to individuals and groups; listening effectively and clarifying information; facilitating an open exchange of ideas.
- Establishing and maintaining working relationships with internal organizational units (e.g., other program areas and staff support functions); approaching each problem situation with a clear perception of organizational and political reality; using contacts to build and strengthen internal support bases; getting understanding and support from higher level management.
- Developing and enhancing alliances with external groups (e.g., other agencies or firms, state and local governments, Congress, and clientele groups); engaging in cross-functional activities; finding common ground with a widening range of stakeholders.
- Working in groups and teams; conducting briefings and other meetings; gaining cooperation from others to obtain information and accomplish goals; facilitating "win-win" situations.
- Considering and responding appropriately to the needs, feelings, and capabilities of different people in different situations; is tactful and treats others with respect.
- Seeing that reports, memoranda, and other documents reflect the position and work of the organization in a clear, convincing and organized manner.

#### HOW TO APPLY:

To be considered, applicants must submit an SF-171, OF-612, or resume which adequately supports/demonstrates your qualifications for this position. The documentation must show where and when the qualifications were obtained, and describe the organizational setting in which the experience was acquired, e.g., organizational size, level, and assigned fiscal resources. Include a narrative discussion of qualifications as they relate directly to the technical and core qualifications listed above. To determine eligibility for non-competitive referral, current senior executives must submit an SF-50. All current Federal employees must submit a current performance appraisal. Applications must be completed and received in this office or postmarked by the closing date and forwarded to:

Small Business Administration  
409 Third Street SW, MC:  
Washington, DC 20416  
ATTN:

NOTE: Time-in-grade does not apply for SES positions. Applicants for this position must demonstrate the level and breadth of experience necessary to assume an SES position. There is, however, no requirement for experience equivalent to the GS-15 level.

#### FOR APPLICATION INFORMATION CONTACT:

#### EVALUATION METHODS:

Current SES career appointees, career SES reinstatement eligibles and eligible SES Candidate Development Program Graduates will be considered under noncompetitive appointment procedures.

Qualified candidates who must compete and who submit complete application packages will be ranked by a panel of senior executives based upon the executive core and desirable technical qualifications factors.


#### APPROVAL AND PROBATIONARY PERIOD:

An individual entering this position on an initial career appointment basis must have his or her qualifications approved by an Office of Personnel Management Qualifications Review Board and will be required to serve a one year probationary period before the appointment becomes final.

INCOMPLETE APPLICATIONS WILL NOT BE CONSIDERED.



Appendix 3  
(paragraphs 4-5, 4-6, 4-8)

 <b>U. S. Small Business Administration</b> <b>Senior Executive Service Performance Evaluation</b>				
1. Name of Executive		2. Organization		
3. Position Title	4. ES Rate	5. Date Entered Position	6. Rating Period	
<b>PART A: NOTIFICATION OF OBJECTIVES</b>				
The standard critical objectives, measurement criteria, and monitoring systems have been discussed with the executive, and he/she understands the objectives and measurement criteria.				
7. Executive's Signature	8. Date	9. Rating Official's Signature	10. Date	
<b>PART B: MID-YEAR REVIEW/CERTIFICATION OF DISCUSSION WITH EXECUTIVE</b>				
11. Executive's Signature	12. Date	13. Rating Official's Signature	14. Date	
<b>PART C: INDIVIDUAL OBJECTIVE PERFORMANCE RATING</b>				
15. Critical Objectives	Rating		Rating Levels	
1. Program Implementation			AT: Ahead of Target OT: On Target BT: Behind Target	
2. Organizational Representation				
3. Resource Effectiveness				
4. Special Initiative (Optional)				
<b>PART D: CERTIFICATE OF SUMMARY RATING</b>				
(Summary rating level) definitions are on reverse.)				
16. Rating	17. Rating Official's Signature		18. Date	
<b>PART E: EXECUTIVE ACKNOWLEDGEMENT</b>				
19. Your signature does not indicate agreement or disagreement with this rating, but acknowledges that the rating was discussed with you. You may include comments in block #30 on reverse of this form. Check if you want to request a reviewing official rating: <input type="checkbox"/>				
20. Executive's Signature	21. Date	22. Reviewing Official's Signature (Executive's Option)	23. Date	24. Rating
<b>PART F: FINAL ACTION BY THE ADMINISTRATOR</b>				
25. Rating	26. Signature		27. Date	

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**PART G: RATING OFFICIAL'S JUSTIFICATION FOR SUMMARY RATING**

28.

**PART H: REVIEWING OFFICIAL'S JUSTIFICATION FOR SUMMARY RATING**

(If different from rating official's recommended rating)

29.

**PART I: EXECUTIVE'S COMMENTS** (Optional)(If additional space is required, continue on plain bond.)


30.

**PART J: SUMMARY RATING LEVEL DEFINITIONS**

Level 5	Exceptionally Successful	An executive who receives this rating will have made an outstanding contribution to the accomplishment of the Agency's mission with specific reference to achievement of the Agency's Strategic/Business plan. In order to be rated at this level, the executive must receive an "Ahead of Target" on a majority of critical objectives with none below "On Target". This rating requires written justification.
Level 4	Highly Successful	An executive who receives this rating will have contributed greatly to the Agency's mission. In order to be rated at this level, the executive must receive an "Ahead of Target" on the majority of critical objectives with none below "On Target". This rating requires written justification.
Level 3	Fully Successful	An executive who receives this rating must receive an "On Target" or "Ahead of Target" rating on all critical objectives.
Level 2	Minimally Satisfactory	An executive who receives this rating has received a "Behind Target" on one critical objective and is in effect, on probation. This rating requires written justification.
Level 1	Unsatisfactory	An executive rated "Behind Target" on one or more critical objectives will receive this summary rating when the level of performance is totally unacceptable for continued employment in the incumbent's position. By law, an executive who receives this rating must be reassigned, transferred or removed from the SES. This rating requires written justification.



Appendix 4  
(paragraphs 4-5, 4-7, 4-8)

 <div style="display: inline-block; vertical-align: middle; text-align: center;"> <b>U.S. Small Business Administration</b>  <b>SES Critical Objectives</b> </div>		
<b>Name:</b>		<b>Rating Period:</b>
<b>Rating:</b> (AT, OT, BT)	<b>Objective 1:</b> <b>Program Implementation</b>	<b>Standards for "On Target" Performance</b>
<b>Criterion 1: Effective Implementation of that portion of SBA's Strategic/Business Plan that is pertinent to the organization based on results.</b>		
<b>Criterion 2: Responsiveness to reviews, audits and reports, e.g., GAO, IG, and OPM.</b>		
<b>Criterion 3: Improvement in the efficiency of the Federal government through efforts to reduce paperwork, fraud and abuse; and innovative and creative techniques to accomplish goals of SBA in support of small business clients.</b>		
<b>Rating:</b> (AT, OT, BT)	<b>Objective 2:</b> <b>Organizational Representation</b>	
<b>Criterion 1: Responsiveness to the Administrator's request on program matters.</b>		
<b>Criterion 2: Coordination of program matters with SBA organizations.</b>		
<b>Criterion 3: Relationship with external organizations and the general public.</b>		
<b>Rating:</b> (AT, OT, BT)	<b>Objective 3:</b> <b>Resource Effectiveness</b>	
<b>Criterion 1: Identify and plan for a cost-effective mix of financial, human and material resources to achieve planned levels of program accomplishments.</b>		
<b>Criterion 2: Effective management of human resources and support of merit systems principles.</b>		
<b>Criterion 3: Effective management of financial resources.</b>		
<b>Criterion 4: Promote equality and diversity in all facets of personnel management.</b>		

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<b>Rating:</b> (AT,OT, BT)	<b>Objective 4: (Optional)</b>	<b>Standards for "On Target" Performance</b>	
Criterion 1:			
Criterion 2:			
Criterion 3:			
<b>MODIFICATION TO STANDARDS FOR "ON TARGET" PERFORMANCE REQUIREMENTS</b> (Indicate objective modified and sign and date indicating agreement)			
Executive's Signature		Date	Rating Official's Signature

Appendix 5  
(paragraph 7-6)

U.S. SMALL BUSINESS ADMINISTRATION  
SENIOR EXECUTIVE SERVICE RECERTIFICATION CY \_\_\_\_\_

Name of Executive: \_\_\_\_\_ Position Title and Organization: \_\_\_\_\_

Current Pay Rate: ES- \_\_\_\_\_ Recertification Period From: \_\_\_\_\_ To: \_\_\_\_\_

**STANDARD FOR RECERTIFICATION**

1. The career executive must perform at the level of excellence expected of a senior executive. Excellence means that the executive has demonstrated over the recertification period that he or she has achieved excellence in:
  - a. Planning for, substantially advancing, and attaining Presidential, agency, or organizational goals and objectives that required a sustained superior effort.
  - b. Taking specific initiatives that advanced a major policy and/or significantly improved delivery of services.
  - c. Taking the necessary actions to ensure the achievement of a quality product in a timely manner.
  - d. Making significant technical, scientific, or professional contributions.
2. Also, if applicable to the responsibilities of the senior executive, excellence is demonstrated by:
  - a. Achieving substantial savings in the execution of programs under his or her direction.
  - b. Maintaining the high quality and effectiveness of programs under his or her direction with reduced resources.
  - c. Providing strong leadership to enhance the development, utilization and achievements of subordinate personnel, including achievement of equal employment opportunity goals.

The following recommendations/decision are based on an assessment of the executive's overall performance during the recertification period in relation to the above Standard for Recertification stipulated in law, regulation, and agency written procedures.

**SUPERVISING OFFICIAL'S RECOMMENDATION:**

Recertify \_\_\_\_\_ Conditionally Recertify \_\_\_\_\_ Not Recertify \_\_\_\_\_

Recommend pay rate adjustment to ES- \_\_\_\_\_ No pay rate adjustment recommended \_\_\_\_\_

In making these recommendations, I have given due consideration to the executive's overall performance during the recertification period, including performance ratings, awards and other recognition and developmental activities specified in the agency SES recertification plan. I have attached the required written justification specifying whether the standard for recertification is met or not met and other relevant supporting documentation.

Supervising Official's Signature and Title \_\_\_\_\_

Date \_\_\_\_\_

SBA Form 1802 (5-91)

---

**EXECUTIVE'S ACKNOWLEDGEMENT OF SUPERVISING OFFICIAL'S RECOMMENDATION:**

☐ I have received a copy of my supervising official's recommendation and wish to submit a supplemental statement to the Performance Review Board.

☐ I have received a copy of my supervising official's recommendation and DO NOT wish to submit a supplemental statement to the Performance Review Board.

I understand that my signature does not indicate agreement or disagreement with the supervising official's recommendation, but acknowledges that the recommendation was discussed with me.

\_\_\_\_\_  
Executive's Signature

\_\_\_\_\_  
Date

---

**EXECUTIVE'S REQUEST FOR HIGHER LEVEL REVIEW:**

☐ I have received a copy of my supervising official's recommendation and ☐ I AM ☐ I AM NOT REQUESTING A HIGHER LEVEL REVIEW of the recommendation prior to its submission to the Performance Review Board.

\_\_\_\_\_  
Executive's Signature

\_\_\_\_\_  
Date

---

**PERFORMANCE REVIEW BOARD (PRB) RECOMMENDATION:**

Recertify ☐      Conditionally Recertify ☐      Not Recertify ☐

Recommend pay rate adjustment to ES- \_\_\_\_\_      No pay rate adjustment recommended

In making these recommendations, we have given due consideration to the executive's overall performance during their certification period, including performance ratings, awards and other recognition and developmental activities specified in the agency SES recertification plan, and the supervising official's recommendation. If there is a recommendation to conditionally recertify or not recertify, we have provided the executive the rationale for our proposed recommendation, an opportunity to appear before the PRB and/or provide it a supplemental statement, and have attached the required written justification and other relevant supporting documentation.

\_\_\_\_\_  
PRB Chair's Signature

\_\_\_\_\_  
Date

---

**RECERTIFICATION DECISION:**

Recertify ☐      Conditionally Recertify ☐      Not Recertify ☐

Pay rate adjustment to ES- \_\_\_\_\_      No pay rate adjustment \_\_\_\_\_

In making these decisions, I have given due consideration to the executive's overall performance during the recertification period, including performance ratings, awards and other recognition and developmental activities specified in the agency SES recertification plan, and the supervising official's and PRB's recommendation. If the

above decision is to conditionally recertify or not recertify, the executive has been provided the rationale for such action, an opportunity to appear before me or the PRB and/or provide a supplemental statement. I have attached the required written justification and other relevant supporting documentation.

---

Signature

---

Date

---

FOR OPTIONAL USE (to be provided by the Office of Personnel):

**ANNUAL SES PERFORMANCE RATINGS**

19 \_\_\_\_\_  
Performance Rating Level

19 \_\_\_\_\_  
Performance Rating Level

19 \_\_\_\_\_  
Performance Rating Level

**AWARDS AND OTHER RECOGNITION**